IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CIVIL NO. 3:06-CV-473-GCM

MARIANO OSPINA)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
INDY MAC BANK,)	
)	
Defendant.)	
)	

THIS MATTER is before the Court upon Plaintiff's "Emergency Motion for an Injunction." Plaintiff requests the injunction to stay a North Carolina state court proceeding during the pendency of his appeal to the United States Supreme Court from the judgment of the United States Court of Appeals for the Fourth Circuit dismissing his appeal from the decision of the United States Bankruptcy Court for the Western District of North Carolina. However, the Court takes notice that there is no record of such pending appeal. Furthermore, this Court does not have jurisdiction to hear Plaintiff's motion. The motion is DENIED.

Signed: June 4, 2010

Graham C. Mullen United States District Judge